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ABSTRACT

In June, 1973, the Supreme Court of the United States handed down five decisions which significantly altered the legal definition of obscenity, placing greater emphasis on local community standards for judging a work obscene. A survey of public libraries was conducted in 1974 to determine if these decisions had resulted in an increase in community censorship of library materials. Since the size of the community might prove significant in its response to the Court ruling, the public libraries in each state were sorted into three groups by size of population served. One library of each size group (if applicable) in each state was then selected at random, for a total of 133. A ten-item questionnaire was constructed, and the instrument's reliability and validity was tested with a trial mailing in February, 1974 to the American Library Association and five sample libraries. The final mailing, in April 1974, elicited 115 responses, an 86 percent return rate. The responses were analyzed by geographic region and community size. Of the 115, 108 reported no change in patron concern about library materials or about specific titles since the Supreme Court ruling. Survey materials are included. (SL)

ED105880

THE EFFECTS OF THE 1973
SUPREME COURT OBSCENITY RULING
ON THE
PUBLIC LIBRARY

A SURVEY

by
Barbara Nedell Wenglin

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

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A Research Paper Submitted
To the Faculty of the

GRADUATE LIBRARY SCHOOL

In Partial Fulfillment of the Requirements
For the Degree of

MASTER OF LIBRARY SCIENCE

In the Graduate College

THE UNIVERSITY OF ARIZONA

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I. INTRODUCTION

On June 23, 1973 the United States Supreme Court resolved five cases by handing down decisions that significantly altered First Amendment law.¹ While rejecting the "utterly without redeeming social value" test for obscenity, the five Justices of the majority² proposed these basic guidelines: whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest; whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Further, the phrase "community standards" is no longer to be interpreted to mean the standards of the "national community." Each state, and possibly each locality, may enact its own standards. These are to be applied by local juries which will review challenged works according to the "average person"

¹The five cases are: Miller v. California, Paris Adult Theater I v. Slaton, Kaplan v. California, United States v. 12 200 ft. Reels Films, United States v. Orito.

²Justices Blackmun, Burger, Powell, Rehnquist and White. Dissenting were Justices Brennan, Douglas, Marshall and Stewart.

standard. There is no longer any necessity for a prosecutor to present evidence or expert testimony in his attempt to convince the jury that a work is obscene; the work itself is judged.

Finally, although a person is still permitted to possess whatever he desires in his own home, he may not purchase, acquire or import material deemed to be obscene.¹

In his dissenting opinion, Justice William O. Douglas warned of the possible effects of the ruling on libraries:

What we do today is rather ominous as respects librarians. The net now designed by the court is so finely meshed that, taken literally, it could result in raids on libraries. Libraries, I had always assumed, were sacrosanct, representing every part of the spectrum. If what is offensive to the most influential person or group in a community can be purged from a library, the library system would be destroyed.²

Has the decision caused serious problems for public libraries? Is the public taking a more active role in monitoring library materials? Have patron complaints, from individuals or pressure groups, increased since the ruling? Is book selection affected--perhaps in subtle ways?

After conducting a general literature search using Library Literature, it was found that no systematic study of the effects of the Supreme Court ruling on the public library had been attempted. It was felt that such a survey would be useful.

¹Official Reports of the Supreme Court (Washington, 1973), CMXIII, Part I.

²Ibid., p.72.

II. METHODOLOGY

In determining the format of the survey, a mailed questionnaire was thought to be the best way to reach a representative sampling of public libraries throughout the country.

A. Feasibility Study

In evaluating the feasibility of such a study, John Wick's Questionnaire Construction¹ was consulted. This excellent slide and tape presentation, available on loan from the Bureau of Educational Research and Service, in the University of Arizona Education Building, Room 313, alerts the researcher to the many pitfalls in questionnaire procedure.

The first step is consideration of the time involved. To be done properly, the questions should be tried, informally at first, and then in an experimental mailing to representative respondents. This can take several months. A preliminary mailing for this study was sent on February 19, 1974, with a return requested by March 8. The final mailing was completed on April 10, 1974, with a return requested by April 30. A follow-up letter was sent to non-respondents on May

¹From An Overview of Evaluation and Research Topics, Unit IV, Northwestern University, Center For the Teaching Professions, n.d.

13, with returns still being received in late June. Finally, a summary of findings was sent to all respondents on July 31, 1974.

A cost analysis is also essential. The researcher must consider the type of reproduction to be used in processing; the cost of analyzing results (will a computer be required?); the cost of materials and mailings; and the time involved in such clerical activities as typing and stuffing envelopes. Since only five libraries were used in this trial mailing, the cover letters and questionnaires were xeroxed and mailed (with stamped, addressed return envelopes) by the researcher.

For the final mailing, the cover letter was reproduced, on University of Arizona Library School letterhead, at the University Mimeo Bureau.¹ Stencils were typed by the researcher, with 200 copies of the two-page questionnaire reproduced by the Graduate Library School office. Extras were made at this time to send to possible non-respondents. Outgoing postage was paid by the University, through the Graduate Library School office, while the researcher purchased the stamps for the enclosed return envelopes. Another letterhead was reproduced at the Mimeo Bureau to send to non-respondents. Finally, the summary of findings was processed in similar fashion, with the University paying for the mailing.

¹Located in Arizona Stadium, West Gate 6.

Table 1.
Cost Analysis

Personal Expenses

Postage for 133 Return Envelopes at \$.10 Each.....	\$13.30
Reproduction of 150 Cover Letters at Mimeo Bureau.....	4.10
Reproduction of 50 Follow-up Letters at Mimeo Bureau....	2.10
Reproduction of 150 Summary Letters at Mimeo Bureau.....	4.10
Miscellaneous Expenses (envelopes, stencils, rubber stamp for return address, trial mailing, etc.).....	15.00

Total Personal Expenses.....\$38.60

University Expenses

Reproduction of Questionnaire Stencil (Graduate Library School Office).....	\$ 1.60
Postage For Final Outgoing Mailing.....	13.30
Postage For Summary Letters.....	13.30

Total University Expenses.....\$28.20

TOTAL COST OF STUDY.....\$66.80

B. Sampling

Since the size of the community might prove significant in its response to the Court ruling, three libraries were selected from each state, serving populations of A) under 25,000, B) from 25,000 to 300,000, and C) over 300,000.

The Bowker American Library Directory (1972-73) was used in obtaining names and addresses of libraries and head librarians, as well as population figures for communities served by the libraries. Following the guidelines set forth in Van Dalen's Understanding Educational Research (pp.295-300), a method of obtaining a stratified random sampling was devised.

First, only public libraries coded "P" in the directory were to be used; excluded from consideration were state archives, penitentiaries, hospitals and other special public facilities. For each state, the number of pages allotted it in the directory was counted. A matching set of numbered slips of paper was compiled. The researcher drew one from these, counting up to the corresponding page for that state. The first "P" library serving a population of under 25,000 was selected. The process was repeated for the other two population categories.

A total of 133 libraries was selected from 50 states. The following states had only two libraries represented, since they lacked a population center in the 300,000+ category: Alaska, Arkansas, Idaho, Iowa, Kansas, Maine, Mississippi, Montana, Nevada, New Hampshire, North Dakota, South Carolina,

Utah, Vermont, West Virginia, and Wyoming. The total sample worked out as follows:

Table 2.
Sample

17 states with 2 libraries = 34
33 states with 3 libraries = 99

Total libraries in sample =133

or

50 states with size A library
50 states with size B library
33 states with size C library

133 total libraries in sample

To facilitate analysis of data, the states were grouped according to region as follows: West (39 libraries)--Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming; Midwest (32 libraries)--Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; South (38 libraries)--Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia; Northeast (24 libraries)--Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.

C. Questionnaire Construction

Following Wick's guidelines, a preliminary form was constructed. The questions were tried on a varied sampling

of friends, relatives and fellow-students, to see if they were clear and to the point. After several revisions, the opinion was sought of faculty members who were more familiar with the specific content of the questions. The questionnaire was refined numerous times before the final version was adopted.

Wick is also helpful in his analysis of the important cover letter. Brevity, the need to address the respondent personally, presentation of the purpose of the study prior to the request for help, assurance of anonymity--are some of the elements analyzed.

A discussion of the questions as they appear in the final revision follows.

UNIVERSITY OF ARIZONA - LIBRARY SCHOOL

The time required to supply this information is approximately 5-10 minutes.

Position of respondent (please use exact title): _____

In all of the following questions, "library materials" and complaints about such materials refer to controversial, questionable or "problem" items dealing with sex, violence, race, politics, drugs, etc.

Heading. The questionnaire deals only with those materials relevant to the Supreme Court obscenity ruling. This Heading is included to eliminate consideration by the respondent of other types of patron concern. (For example, a patron might want more cookbooks or travel guides, or fewer recreational and more science materials.)

1. Are you and your staff aware of increased patron concern about library materials since the June 1973 Supreme Court ruling on obscenity?

a. Increase _____

b. No change _____

c. Decrease _____

1. This question is designed to elicit a general impression from the librarian(s). Included here might be the patron who makes no formal complaint, but expresses verbal concern.

2. If you checked "a", how would you characterize this increased concern? Check below whatever choices apply:

a. Criticism of the library

(1) for including "sensitive" materials

_____ Some

_____ Much

_____ A great deal

(2) for excluding sensitive materials

_____ Some

_____ Much

_____ A great deal

b. Support of the library

(1) for including sensitive materials

_____ Some

_____ Much

_____ A great deal

(2) for excluding sensitive materials

_____ Some

_____ Much

_____ A great deal

2. This rather complicated question is designed to measure all possible types of concern noted, both positive and negative.

3. Have complaints regarding specific titles increased since the obscenity ruling?

☐ Increase

☐ No change

☐ Decrease

3. This question complements number 1. in measuring specific concrete complaints.

4. Have you found it necessary to explain your library's policies to the community since the Supreme Court ruling?

☐ No

☐ Yes, as a result of the ruling

☐ Yes, but not directly related to the ruling

If yes, by what means? _____

5. Have you found it necessary to revise your existing policy on book selection since the ruling?

☐ No

☐ Yes, as a result of the ruling

☐ Yes, but not directly related to the ruling

6. Is your library attempting to determine what "local community standards" are?

☐ No

☐ Yes, as a result of the ruling

☐ Yes, but not directly related to the ruling

If yes, by what means? _____

4., 5. and 6. These questions are designed to show any modification in the relationship of the library to the community since the Court ruling.

7. Does your library keep statistics of patron complaints?

 Yes No If you checked no, you may skip to number 9.

8. In the following section, which compares the period since the ruling to the same period of the year before, please refer to your library statistics where available. (If not available, write NA.)

Again, refer only to "sensitive" materials.

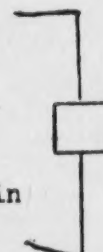
	Since ruling July '73-Apr '74	Before ruling July '72-Apr '73
a. Total number of requests to <u>withdraw</u> sensitive materials _____		
Of these, how many are:		
(1) Verbal _____		
(2) Written (forms or otherwise) _____		
(3) By individuals _____		
(4) By groups (or individuals representing groups) _____		
b. Total number of requests to <u>add</u> sensitive materials _____		
Of these, how many are:		
(1) Verbal _____		
(2) Written _____		
(3) By individuals _____		
(4) By groups _____		

(7. and) 8. This question is really the same as number 3.,
expanded to include more precise data where available.

Again, the possibility of positive requests (to add materials)
was included.

9. In relation to the normal growth of the community you serve, how would you characterize any increase in complaints?

- ☐ Normal, considering growth of community
- ☐ Greater than growth would warrant
- ☐ Lower than growth would warrant
- ☐ Community served has not grown significantly in the last year.



Not applicable;
complaints have
not increased.

9. This question is designed to account for any significant population changes which might affect patron complaints. For example, a small library recording a marked increase in complaints would have to consider a new industrial plant which opened during the year, swelling the town's population by several thousand. Such an increase in complaints could be "normal" considering the growth of the community.

10. Comments (please use back)

☐

Please check if you would like to receive summary of findings.

THANK YOU FOR YOUR TIME AND COOPERATION.

D. Trial Mailing

In order to verify the readability and validity of the questions prior to the final mailing, a preliminary survey was undertaken. A copy of the questionnaire and a cover letter requesting critical comments were sent to the American Library Association, Freedom to Read Foundation (see Appendix A-1). A similar cover letter with questionnaire was sent to five public libraries representing the various characteristics of the target group (see Appendixes A-2 and A-3). These libraries are in addition to the 133 mentioned earlier.

The trial group was composed of:

- 1) one library from a Western city of size C) 300,000+ population
- 2) one library from a Southern city of size B) 25,000-300,000
- 3) one library from a Midwestern town of size A) under 25,000
- 4) one library from a Northeastern city of size B)
- 5) one library from a Midwestern city of size C).

These trial respondents were asked to answer the questions and comment on the format. All five replied promptly with favorable comments. Only one library of the five noted an "increase in patron concern" since the ruling (West, size C). This increase was not thought to be significant, however, but "normal, considering the growth of the community." The four other libraries reported "no change."

Some of the additional comments were more revealing. A librarian from a Northeast size B area was concerned with the subtle, long-range impact of the Supreme Court ruling:

Your questionnaire is straightforward and should elicit accurate indications of conscious responses by librarians to increased community pressure. What will be very difficult to measure...is the extent to which librarians (long the greatest of censors) will avoid "sensitive" materials, but either fail to acknowledge to themselves that this is what they are doing or hide behind a barricade of rationalizations.

A trial respondent from the South, size B library, added these amusing observations:

Local concern over obscenity...has always been strong, and the mayor is chairman of a group called "Dads Against Dirt." So while there has been no change since the Supreme Court ruling, it has probably been due to a smug assurance that at last the rest of the country is going to reach the same conclusion this community has. Curiously enough, the Library had more problems when the more liberal Court decisions were announced. These decisions usually brought people out of the woodwork.

This same library director included these encouraging remarks about the format: "I have no criticism, nor suggestions regarding the questionnaire. It appears concise, simple to complete, and it does not 'lead' the respondent to make statements which might be too general to invalidate the findings."

III. ANALYSIS OF RESPONSE

The final mailing was completed using the same questionnaire with a revised cover letter (see Appendixes A-3 and B-1). Of the 133 libraries surveyed, 102 replied within three weeks. A follow-up letter was sent to the 31 non-respondents (see Appendix B-2). Of these, an additional 15 forms were returned. The total response after both mailings was 115 of 133 or 86%.

A. Analysis of Non-Respondents

The 18 non-respondents were scattered amongst the geographic and size variables. The Northeast had the best return rate with 23 of its 24 libraries responding. The non-respondents are analyzed below.

Table 3.
Analysis of Non-Respondents

Total # libraries in sample	24	38	39	32
	Northeast	South	West	Midwest
Size A		5	4	1
Size B		1		3
Size C	1	1	1	1
Total # Non-Respondents	1/24	7/38	5/39	5/32=18 of 133

B. Analysis of Responses

In this section, responding libraries are referred to by geographic region (as per page 7), and by size of community served. The reader is reminded that size A serves a population of under 25,000; size B 25,000-300,000; and size C 300,000+.

Of the 115 libraries responding, an overwhelming 108 reported no change in "patron concern about library materials since the June, 1973 Supreme Court ruling on obscenity" (question 1). These same 108 libraries reported no change in "complaints regarding specific titles" since the ruling (question 3). This represents 94% of those responding, or 81% of the total sample.

Only one library reported a decrease in patron concern since the ruling. This Midwest size A library recorded a decrease in specific complaints as well (question 3), but did not include any comments interpreting this singular result.

Seven of the 115 respondents, or 6%, recorded an increase in patron concern (question 1). (This represents 5% of the total sample of 133.) Six of these are from the South; two from size A, four from size B. The seventh library is from the West, size C.

In completing question 2, all seven libraries noted "some criticism of the library for including sensitive materials." Two reported some support of the library for including sensitive

materials, (South size B, and South size A). Two reported some support for excluding sensitive materials (South size B, South size A). None reported criticism for excluding sensitive materials.

Four of the seven libraries reported no change in specific complaints (question 3). Only three libraries reported an increase in specific complaints, and two of these concluded that this increase was "normal, considering growth of the community" (question 9). Only one library (South size B) reported an increase in specific complaints which was deemed "greater than growth would warrant."

In analyzing the library's relationship to the community served, 21 of the 115 respondents, or 17%, have found it necessary to explain their policies to the community since the ruling (question 4). Of these, only four have done so as a direct result of the ruling. Two of these explained their policies by means of statements to the media (Midwest size B, South size B). One librarian defended library policies at a city council meeting (West size B). A Midwestern library (size C) supported the American Library Association opposition to the ruling in a public statement before a local judge.

Nine of the 115 libraries, or 8%, have found it necessary to revise their existing book selection policies (question 5). Of these, only two have done so as a direct result of the ruling (Midwest size A, South size B).

21 of the 115, or 17%, are attempting to determine

what current "local community standards" are (question 6). Only two of these report that this is a result of the Court decision (South size C, South size B).

C. Added Comments by Respondents

22 of the 115 librarians, or 17%, took the time to add personal comments. Six of these related that the same few individuals complain each year, without regard to the most recent Court ruling. One Western size A library tells of several "elderly women in the community" who complain regularly about contemporary fiction. Another West size A library tells of a conservative religious group which complains periodically about sexual content in library materials. Three libraries mentioned that they had prepared special complaint forms after the Supreme Court ruling, which have never been used.

While the questionnaire was not designed to evaluate how libraries deal with complaints, two libraries included this in their additional comments. One Southern size A library labels the book pocket of "any book that is full of obscenity." Another Southern size A library reviews criticized materials and "if the complaint is valid, the material is destroyed."

In commenting on its book selection policy, one Northeastern size A library does not buy "those books lacking in taste or merit. Our budget is limited, therefore the funds are used for the benefit of the majority." A librarian from a Southern size B community with no written book selection

policy reports that "an unwritten policy of judicious acquisition has existed for a long time, due to very limited funding.... The budget does not allow for the purchase of large quantities of ephemeral or recreational materials."

Finally, an amusing postscript was added to the form by the director of a Northeastern size B library:

I have the impression that the only persons deeply concerned about the Supreme Court's ruling are library school educators and students who mistakenly believe that the Supreme Court's ruling will have any real impact on the local library's freedom of selection.

IV. CONCLUSIONS

With a dramatic 94% of all respondents reporting no change in patron concern or complaints since the June, 1973 ruling, one would have to conclude that the fears expressed by Justice Douglas (and echoed by many of us in the library field) have not been realized. Further, this response has crossed regional and population lines; throughout the country--in the Northeast, South, West, and Midwest--libraries of all sizes have reported no variation in their regular operations.

Only one library in 115 reported an increase in specific complaints which was considered to be greater than the growth of the community would warrant. Only two libraries in 115 have found it necessary to revise existing book selection policy as a result of the ruling.

Seven of the 115 respondents, or 6%, reported an increase in patron concern. And in all seven cases, concern was registered with the mild "some" rather than the stronger "much" or "a great deal." In terms of regional differences, it may be significant that six of these seven libraries were from the South; two from size A, four from size B. The seventh library reporting an increase in patron concern was from the West, size C.

The only other regional significance was noted in terms

of non-respondents. Of the 18 libraries that did not return the questionnaire, only one was from the Northeast (size C). The remainder were distributed amongst the South (seven), Midwest (five), and West (five).

In determining the validity of results, John Wick suggests using the "worst enemy" test. In this exercise, the researcher assumes that all non-respondents had actually replied in unanimous fashion. Thus, if all 18 non-respondents had recorded some patron concern, the results of the study would have shown 19% of the total 133 (instead of the actual 6% of 115) reporting such concern. Similarly, if all 18 non-respondents had recorded no change in patron concern, the results would have come to 95% of the total 133 (instead of the actual 94% of 115). Using the lowest possible figure, 81% of the total sample would have reported no change in patron concern. Using the highest possible figure, 95% would have reported no change in concern.

Based on these findings, one can conclude that the decision has not caused serious problems for the public library to date. The public does not seem to be taking a more active role in monitoring library materials. Public library activities have not been significantly altered as a result of the ruling.

Some of the added comments by librarians tend to support the statement by one of the trial respondents that librarians have "long [been] the greatest of censors." The

labeling of "obscene" material by one librarian, and the "destruction" of it by another are frightening disclosures. The use of "budget limitations" as the reason for "selecting out" sensitive materials is a questionable practice. For the most part, however, librarians reported dealing with complaints in a calm manner, supportive of library policy, and, in the words of the director of a Western size B library, "without getting tensed up."

It seems significant that so many librarians took the time to complete and return the questionnaire; 115 of 133, or 86%, responded. This may be due, in part, to the fact that the form was simple and limited to two pages. It may also reflect a general interest in the subject; all but one library requested a summary of the findings.

On June 24, 1974, the Supreme Court ruled again, handing down a decision which reinterprets its obscenity ruling of a year before. In Jenkins v. Georgia, the Court declared that "It would be a serious misreading of Miller to conclude that juries have unbridled discretion in determining what is 'patently offensive.'" The Court emphasized that only material showing "patently offensive hard-core sexual conduct" may be banned by local juries.¹

¹United States Supreme Court Bulletin (New York: Commerce Clearing House, 1974), pp. B4047-B4058.

The laws concerning obscenity have varied throughout the years, reflecting the different opinions of the Justices who have comprised the Supreme Court. While current decisions leave many issues in doubt, the results of this study are reassuring. The findings presented here tend to show that the public library continues to function as a secure institution in the community.

APPENDIX A
TRIAL MAILING

- A-1 Correspondence With American Library Association
 - a. }
 - b. } Copies of Letters to ALA
 - c. }
 - d. Reply From ALA
- A-2 Sample of Cover Letter to Trial Respondents
- A-3 Sample of Questionnaire



THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION

GRADUATE LIBRARY SCHOOL

ROOM 419

(602) 884-3565

Kindly reply to:
2521 E. Greenlee Pl.
Tucson, Arizona 85716
February 1, 1974

Alex P. Allain, President
Freedom to Read Foundation
50 East Huron Street
Chicago, Illinois 60611

Dear Sir:

All of us in the field of librarianship are concerned about the Supreme Court decision of June 21, 1973. We have read the ominous warning of dissenting Justice William O. Douglas that "the net now designed by the court is so finely meshed that taken literally it could result in raids on libraries."

How serious is the problem? Is the public taking a more active role in monitoring library materials? Have complaints from the public, acting individually or through pressure groups, increased since the ruling? Is book selection affected (perhaps in subtle ways)?

As a researcher at the University of Arizona Graduate Library School, I am planning a project to determine the effects of the court ruling on the public library. By means of a one-page questionnaire sent to a random selection of public libraries across the U.S., I hope to discover, in a general way, what the reaction has been. I plan on writing to three libraries in each state: to one serving a community of under 25,000; to another serving a population of from 25,000 to 350,000; and to a third, a major branch of a large metropolitan system.

I would appreciate your comments about this project and the enclosed questionnaire. Would your office be willing to endorse this research with a statement to that effect in my cover letter? I look forward to hearing from you at your earliest convenience, as I am anxious to begin the study.

Very truly yours,

Barbara Wenglin

Barbara Wenglin
Researcher



APPENDIX A-1 b.
THE UNIVERSITY OF ARIZONA
TUCSON, ARIZONA 85716

COLLEGE OF EDUCATION
GRADUATE LIBRARY SCHOOL

ROOM 419
(602) 884-3565

2521 East Greenlee Pl.
Tucson, Arizona 85716
February 18, 1974

Judith F. Krug, Executive Director
Freedom to Read Foundation
50 East Huron Street
Chicago, Illinois 60611

Dear Ms. Krug:

On February 1st, I wrote to your office concerning a research project dealing with the June 1973 Supreme Court ruling on obscenity. By means of a questionnaire sent to a random selection of public libraries across the United States, I hope to determine what the reaction to the law has been.

I am writing this follow-up letter to you at the suggestion of my research advisor, Mary R. Power. I have enclosed a copy of my original letter, as well as a revision of the original questionnaire.

Again, your comments about this project and the questionnaire would be appreciated. Would your office be willing to endorse this research with a statement to that effect in my cover letter? I look forward to hearing from you at your earliest convenience, as I am anxious to proceed with the study.

Sincerely,

Barbara Wenglin

Barbara Wenglin
Researcher

Enc.



APPENDIX A-1 c.
 THE UNIVERSITY OF ARIZONA
 TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION
 GRADUATE LIBRARY SCHOOL

ROOM 119
 1000 N. R.A. 1000

2521 East Greenlee Pl.
 Tucson, Arizona 85716
 March 15, 1974

Judith F. Krug, Executive Director
 Freedom to Read Foundation
 50 East Huron Street
 Chicago, Illinois 60611

Dear Ms. Krug:

On February 1st and February 18th, I wrote to your office concerning a research project dealing with the June 1973 Supreme Court ruling on obscenity. By means of a questionnaire sent to a random selection of public libraries across the United States, I hope to determine what the reaction to the law has been.

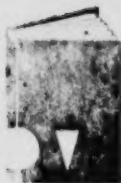
The response to a trial mailing of the questionnaire has been most encouraging. All of the libraries in the sample group responded; many commented favorably on the format and importance of the study. As I prepare for the final mailing, I would appreciate your comments about the questionnaire. Again, would your office be willing to endorse this survey with a statement to that effect in my cover letter?

I have enclosed a copy of the original letters and the revised questionnaire. I look forward to hearing from you at your earliest convenience, before I proceed with the study.

Sincerely,

Barbara Wenglin
 Barbara Wenglin
 Researcher

Enc.



Freedom to Read Foundation

50 EAST HURON STREET, CHICAGO, ILLINOIS 60611 • PHONE (312) 944-6780

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May 29, 1974

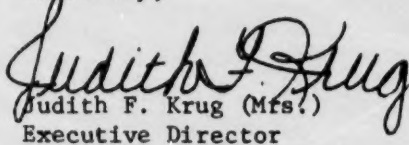
Ms. Barbara Wenglin
2521 East Greenlee Place
Tucson, Arizona 85716

Dear Ms. Wenglin:

Mr. Allain and I very much appreciated the information regarding your proposed research project which you sent to us some time ago. As you are probably aware, research of the type you are undertaking is currently beyond the scope of the Freedom to Read Foundation. Nevertheless, we would be extremely interested in receiving a summary of the results of your project as the information has the potential of being of great help in our various legal actions.

Good luck with this important and interesting project.

Sincerely,


Judith F. Krug (Mrs.)
Executive Director

JFK/jj

APPENDIX A-2



THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION

GRADUATE LIBRARY SCHOOL

ROOM 439

(602) 884-3565

2521 E. Greenlee Place
Tucson, Arizona 85716
February 19, 1974

Dear Librarian:

All of us in the field of librarianship are concerned about the Supreme Court ruling of June, 1973. You may recall that the decision rejects the "utterly without redeeming social value" test for obscenity. In effect, a work is no longer protected by the First Amendment if, taken as a whole, it appeals to the prurient interest; portrays sexual conduct in a patently offensive way; and lacks serious literary, artistic, political, or scientific value. Further, the question of obscenity is now to be decided by local juries using the standards of the "average person" of a community.

What has been the effect of this ruling on the public library and the community it serves? Is the public taking a more active role in monitoring library materials? Is the library's book selection affected?

Your library has been selected as part of a trial group of respondents in a study to determine the effects of the Court ruling on the public library. We would appreciate it if you would complete the enclosed form and comment on the validity of the questions. Are the questions clear? Have we provided for every possible response? Have we forgotten anything? (Please do not criticize our spacing or paper; the final cover letter and questionnaire will be printed professionally.) You may use the back of the form for your comments.

To insure anonymity, data from the study (and from this trial run) will be reported in terms of region and size of community served, without identifying individual respondents. You may indicate at the end of the form if you would like to receive a summary of our findings.

Thank you for your time and cooperation. The return of the form by March 8th will be appreciated, as we are anxious to evaluate your comments and proceed with the study.

Sincerely,

Barbara Wenglin, Researcher

The time required to supply this information is approximately 5-10 minutes.

Position of respondent (please use exact title): _____

In all of the following questions, "library materials" and complaints about such materials refer to controversial, questionable or "problem" items dealing with sex, violence, race, politics, drugs, etc.

1. Are you and your staff aware of increased patron concern about library materials since the June 1973 Supreme Court ruling on obscenity?

a. Increase _____ b. No change _____ c. Decrease _____

2. If you checked "a", how would you characterize this increased concern? Check below whatever choices apply:

a. Criticism of the library

(1) for including "sensitive" materials

_____ Some _____ Much _____ A great deal

(2) for excluding sensitive materials

_____ Some _____ Much _____ A great deal

b. Support of the library

(1) for including sensitive materials

_____ Some _____ Much _____ A great deal

(2) for excluding sensitive materials

_____ Some _____ Much _____ A great deal

3. Have complaints regarding specific titles increased since the obscenity ruling?

_____ Increase _____ No change _____ Decrease

4. Have you found it necessary to explain your library's policies to the community since the Supreme Court ruling?

_____ No

_____ Yes, as a result of the ruling

_____ Yes, but not directly related to the ruling

If yes, by what means? _____

5. Have you found it necessary to revise your existing policy on book selection since the ruling?

_____ No

_____ Yes, as a result of the ruling

_____ Yes, but not directly related to the ruling

APPENDIX A-3 p.2

6. Is your library attempting to determine what "local community standards" are?

- ☐ No
☐ Yes, as a result of the ruling
☐ Yes, but not directly related to the ruling
 If yes, by what means? _____

7. Does your library keep statistics of patron complaints?

- ☐ Yes ☐ No If you checked no, you may skip to number 9.

8. In the following section, which compares the period since the ruling to the same period of the year before, please refer to your library statistics where available. (If not available, write NA.)

Again, refer only to "sensitive" materials.

	Since ruling July '73-Apr '74	Before ruling July '72-Apr '73
a. Total number of requests to <u>withdraw</u> sensitive materials _____		
Of these, how many are:		
(1) Verbal _____		
(2) Written (forms or otherwise) _____		
(3) By individuals _____		
(4) By groups (or individuals representing groups) _____		
b. Total number of requests to <u>add</u> sensitive materials _____		
Of these, how many are:		
(1) Verbal _____		
(2) Written _____		
(3) By individuals _____		
(4) By groups _____		

9. In relation to the normal growth of the community you serve, how would you characterize any increase in complaints?

- ☐ Normal, considering growth of community
☐ Greater than growth would warrant
☐ Lower than growth would warrant
☐ Community served has not grown significantly in
 the last year.

☐ Not applicable;
 complaints have
not increased.

10. Comments (please use back)

☐ Please check if you would like to receive summary of findings.

THANK YOU FOR YOUR TIME AND COOPERATION.

APPENDIX B
FINAL MAILING

- B-1 Sample of Final Cover Letter
- B-2 Sample of Final Follow-up Letter
- B-3 Sample of Summary of Findings Letter



APPENDIX B-1

THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION
GRADUATE LIBRARY SCHOOL

ROOM 419
(602) 884-3565

2521 East Greenlee Place
Tucson, Arizona 85716
April 10, 1974

Dear Librarian:

All of us in the field of librarianship are concerned about the Supreme Court ruling of June, 1973. You may recall that the decision rejects the "utterly without redeeming social value" test for obscenity. In effect, a work is no longer protected by the First Amendment if, taken as a whole, it appeals to the prurient interest; portrays sexual conduct in a patently offensive way; and lacks serious literary, artistic, political, or scientific value. Further, the question of obscenity is now to be decided by local juries using the standards of the "average person" of a community.

What has been the effect of this ruling on the public library and the community it serves? Is the public taking a more active role in monitoring library materials? Is the library's book selection affected?

By completing the enclosed form in the five to ten minutes it will take, you can help answer these questions. To insure anonymity, data from the study will be reported in terms of region and size of community served, without identifying individual respondents. You may indicate at the end of the form if you would like to receive a summary of our findings.

We welcome any comments you may want to include. Thank you for your time and cooperation. The return of the form by April 30, 1974 will be appreciated.

Sincerely,

Barbara Wenglin
Barbara Wenglin
Researcher

Enc.



APPENDIX B-2

THE UNIVERSITY OF ARIZONA
TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION
GRADUATE LIBRARY SCHOOL

ROOM 439
(602) 864-3565

2521 East Greenlee Place
Tucson, Arizona 85716
May 13, 1974

Dear Librarian:

About three weeks ago, you received a letter from me requesting your help in a study to determine the effects of the 1973 Supreme Court obscenity ruling on the public library.

There appears to be much interest in this controversial decision, since a substantial number of the forms have already been returned. We would appreciate your completing the enclosed form in the five to ten minutes it will take. The higher return rate will give us a better indication of the reaction to the ruling throughout the country.

As of this date, we have not received your response. If our letters have crossed in the mail, thank you for your cooperation.

Sincerely,

Barbara Wenglin
Researcher

APPENDIX B-3



THE UNIVERSITY OF ARIZONA

TUCSON, ARIZONA 85721

COLLEGE OF EDUCATION

GRADUATE LIBRARY SCHOOL

ROOM 439
(602) 884-35652521 East Greenlee Pl.
Tucson, Arizona 85716
July 31, 1974

Dear Librarian:

A few months ago, you completed a questionnaire concerning the 1973 Supreme Court ruling on obscenity. A summary of the findings follows.

Yours was one of 133 public libraries selected by a stratified random sampling from the Bowker American Library Directory (1972-73). Three libraries were chosen from each of the 50 states, serving populations of A) under 25,000, B) from 25,000 to 300,000 and, where possible, C) over 300,000. 115 of the 133, or 86%, responded. Of these, 108, or 94%, reported no change in patron concern or complaints since the June 1973 decision. This response crossed regional and population lines; throughout the country--in the Northeast, South, West, and Mid-west--libraries of all sizes reported no variation in their regular operations.

Seven of the 115 respondents, or 6%, reported "some" increase in patron concern. Six of these were libraries from the South, one was from the West. Only one library in 115 reported an increase in specific complaints which was considered to be greater than the growth of the community would warrant.

Four libraries have found it necessary to explain their policies to the community as a result of the ruling. Two have revised their book selection policy as a result of the ruling. Two are attempting to determine what current "local community standards" are as a direct result of the decision.

On the basis of these findings, one can conclude that the Supreme Court ruling has not caused serious problems for the public library to date. The public does not seem to be taking a more active role in monitoring library materials. Public library activities have not been significantly altered as a result of the decision.

We were gratified by the high rate of return which renders these findings more meaningful. Thank you again for your part in this study.

Sincerely,

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